

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DAVID JAULUS, by his guardian ad litem; and
JOANNE JAULUS,

Plaintiff(s),

vs.

SAN RAFAEL CITY SCHOOLS, et al.,

Defendant(s).

Nos. C-04-3992 and
C-05-0662 MHP

**ORDER
APPOINTING
GUARDIAN
AD LITEM
AND COUNSEL**

These actions have been brought by plaintiff Joanne Jaulus on behalf of herself and as guardian ad litem for her son David Jaulus. The first-filed action makes claims under the Americans with Disabilities Act, 42 U.S.C. sec.12101 et seq., section 504 of the Rehabilitation Act of 1973 and 42 U.S.C. sec.1983. The second suit was initially brought as a class action under those statutes. The first amended complaint omitted the class action claims. Counsel for plaintiffs and defendants have negotiated settlement agreements that have reached an impasse in implementation and resulted in other difficulties. As a result, plaintiff's counsel moved to withdraw.

This court has heard the motion to withdraw and has considered the circumstances in support of that motion that have been made known to the court. The court concludes that the motion should be granted and has determined that the best interests of the student, who is a minor sixteen years of age, justify substitution of the guardian ad litem by appointing a new guardian ad litem and appointing new counsel for the student, David Jaulus. Present at the hearing were student Jaulus and his parents, withdrawing counsel, counsel to be substituted into the case on behalf of David Jaulus

1 and the proposed guardian ad litem. All of the foregoing persons received notice of the court's
2 intent, had an opportunity to be heard and concurred in the appointment of the proposed guardian
3 and attorney for David. The proposed guardian is not related to David Jaulus. The court has
4 reviewed his curriculum vitae and finds that he is fully qualified and competent to protect the rights
5 of David and has no interest adverse to David's interest.


6 The court finds this appointment necessary to aid the resolution of the case on terms most
7 favorable to David Jaulus and his needs. David is mentally competent, indeed, very bright and able
8 to participate in decisions related to his educational needs. He has conferred with the proposed
9 guardian and both David and the guardian determined they could work together in the best interests
10 of David. The proposed guardian has consented to the appointment. Furthermore, David and the
11 proposed guardian have met with the proposed counsel and have consented to his appointment.
12 The court finds that counsel is well-qualified to represent David and his guardian. Furthermore, the
13 parties understand that the guardian ad litem and appointed counsel will represent only David's
14 interests in this action and that no party will interfere with that representation.

15 Accordingly, IT IS HEREBY ORDERED that:

16 1) RONALD M. GUTIERREZ is appointed guardian ad litem for plaintiff David Jaulus in
17 this action; and

18 2) the guardian ad litem having concurred in the appointment of the proposed counsel,
19 WILLIAM KOSKI, Esq. is appointed as counsel for David Jaulus and his guardian ad litem
20 Ronald M. Gutierrez.

21
22 Date: July 25, 2006


MARILYN HALL PATEL
District Judge
United States District Court
Northern District of California